



## Working Product of the Enforcement Working Group

Date Updated: 9/2/11

**Date:** 09/02/2011

**Start Time:** 2:00pm

**End Time:** 3:35pm

**Meeting Method:** Conference Call

**Attendance:** Becky Hommon, Kanani Frazier, Paul Wong, Alexa Cole, Brenda Asuncion, Gordon Labeledz, Take Tomson, Eric Roberts, Lt. Charter Tschirgi, Nina Monasevitch (public), Jean Souza, Elia Herman, Sarah Corbis

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### Meeting Minutes

#### Summary of Aug. 11<sup>th</sup> meeting of working group chairs

- Chairs gave overview of work done in their own working group
- Overlaps discussed
  - Staff leads identified ways each working groups may possibly overlap, prior to Aug. 11<sup>th</sup> meeting (spreadsheet), to provide a starting point for working group chairs
- Public views – no enforcement vs. too much enforcement
- Enforcement is a tool
- Enforcement related to outreach and education
- Proposed: NOAA law enforcement or general counsel should give an annual presentation on enforcement actions taken and results.
- Increase outreach to community groups who are interested in enforcement
  - Volunteers to call the lawfully appointed officers rather than take enforcement action
- Keeping enforcement working group alive is key
- No sense making rules if they are not enforced
- No NOAA enforcement officer for Kauai- 1 DLNR officer for the entire island of Kauai
- Moving towards an ecosystem based sanctuary because of the National Ocean Policy
- If the Sanctuary goes with the ecosystem based sanctuary there will be more regulations that will need to be enforced

#### Document: WG Topics Handouts for Chairs

- How document was created
  - All WG staff leads were asked to come up with a summary of discussions that have been taking place or documents that WGs have put together
  - In an attempt to identify any overlap between WGs
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- Page 3
  - Possible ways that enforcement can coordinate with other WGs

#### Document: Draft EWG Issues and Recommendations

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- These can be changed as needed
- Difference between task force and working group
  - Task force
    - Enforcement agencies - only
    - Already established and will continue
- Instead of “effective regulations” she suggests: enforceable regulations
- Rules must be enforceable
- Council should request briefings from – OLE, GC, DLNR, Coast Guard
- More publicity should be made of enforcement action
  - May not be supported by the public
  - Diver killed off of Lanai, hit by charter boat - we need to make the ocean safe for all ocean users
  - Hopes that HWP WG will come up with speed limit recommendations during whale season
    - Humans are just at risk as whales are
- Budget is an issue
- Not all regulations will be followed
- Will the law be enforced?
- Its not the working groups responsibility to determine if a particular agency has the resources to enforce a particular rule
- As a manager it is good to know which rules can/can't be enforced
- The Sanctuary Interagency Law Enforcement Task Force should continue to meet on a regular basis...(first point from document)
  - Purpose of enforcement working group is a specific task- to create recommendations to the SAC for the MPR
  - We should stick around long enough to look at the recommendations that the other working groups have so that we can make recommendations based on those
  - The enforcement working group should continue for the time necessary to evaluate recommendations from other working group
  - Recommendation: Task Force should brief SAC annually
  - No recommendations on working group continuing?
    - Next SAC meeting the working groups will be dissolved
    - We need to be in existence long enough to evaluate all the recommendations
- The Sanctuary will coordinate with local communities....(second point on document)
  - No comments
- The Sanctuary will address resource protection issues by...(third point in document)
  - Change wording from: “The Sanctuary will” to “The EWG recommends that...” and “the Sanctuary should...”

**Due date for recommendations Oct. 28th**

### Public Comments

- Stress importance of enforcement
- There is absolutely no enforcement going on

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- Huge problems with being able to contact, follow up and get any enforcement
- Recently on whale watching experiences
  - There is extreme disrespect towards whales
  - No etiquette (on approaching whales)
- You have to have laws and they need to be enforceable
- Only 1% of Sanctuary budget goes to enforcement
  - Budget is critical to making regulations that are being suggested enforceable
- How many NOAA enforcement officers are there?
  - There are 5, all on Oahu
    - 4 agents and 1 uniform officer
- Kauai has more wildlife operations than all of the other islands
  - The fact that there is not one officer here is alarming
  - We need to expand enforcement

Response:

NOAA not a police agency, no central dispatch

- 150 agents across the country
- 5 on Oahu cover entire Pacific
- We are responsible for more than Sanctuary regulations

### Future Meeting dates:

- Will depend on outcome of other WG meetings/recommendations

### ACTION

Send out notes and draft recommendations for WG to review